

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Daniel Wang et al	)	Group:
Serial No.	)	
Filed:	)	Examiner
Title: BROAD BAND ANTENNA	)	

PETITION UNDER 37 C.F.R. 1.47(a)  
FOR FILING INVENTOR'S DECLARATION ON  
BEHALF OF AN INVENTOR WHO CANNOT BE FOUND

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants hereby petition the Assistant Commissioner for Patents to accept the attached Declaration of Steve Jaques and Robert Daly, joint inventors in the above-referenced application, on behalf of Daniel Wang, another joint inventor who cannot be found to execute a Declaration for the above-referenced patent application. Please charge Deposit Account No. 02-0385, Baker & Daniels, for the fee required by 37 C.F.R. 1.17(h).

The facts surrounding the inability to locate the inventor are as follows:

1. At the time of the invention all three named inventors were employees of RF Industries Pty Ltd.
2. On October 17, 2002, the invention was filed with the Australian Patent Office as the subject of Australian Provisional Patent Application No. 2002952142. As permitted under Australian Law, the Provisional Patent Application was filed in the name of RF Industries Pty Ltd.
3. Applicants' Australian Patent Attorneys, Watermark, advised in a letter dated October 25, 2002, that a corresponding U.S. Patent Application would need to be filed by October 17, 2003, in order to retain the priority date of the Provisional Patent Application.
4. On March 31, 2003, Daniel Wang left the employment of RF Industries Pty Ltd.
5. On August 26, 2003, Steve Jaques attended a meeting with Watermark. During the meeting there was discussed the requirements for filing the U.S. patent application. Watermark advised that the necessary documentation would require signature and execution by all of the inventors. When informed of Daniel Wang's departure from RF Industries Pty Ltd, Watermark advised that Daniel Wang should be contacted at his last known address in order to obtain his signature.

6. On August 29, 2003, Myra Maloney, an employee of RF Industries Pty Ltd, attempted to telephone Daniel Wang at his last known contact number. This telephone number was found to be disconnected.

7. On August 29, 2003, Mr. Jaques wrote a letter to Daniel Wang's last known address at P.O. Box 1386 Parramatta, NSW 2124, Australia, asking him to contact him in respect of the U.S. Patent Application.

8. On September 10, 2003, Mr. Jaques wrote a further letter to Daniel Wang's last known address asking him to urgently contact him in respect of the U.S. Patent Application.

9. To date, no response has been received from Daniel Wang in respect of the letters.

The inability to locate Daniel Wang to execute a Declaration for the above-referenced application has been established by the facts as set forth in this Petition and has been substantiated by the Declaration of Steve Jaques attached hereto. Thus, Applicants respectfully request the Commissioner to accept the attached Declaration of the other two inventors on behalf of Daniel Wang.

Respectfully submitted,

John E. Hoffman  
Registration No. 26,280

Attorney for Applicants

JFH/nw

BAKER & DANIELS  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

IN THE MATTER OF a US Patent  
Application in the names of Steve  
Jaques et al, for "BROAD BAND  
ANTENNA"

**DECLARATION OF STEVE JAKUES**

I, Steve Jaques, of 67 Waterhouse Avenue, St Ives, NSW 2075, Australia, do solemnly and sincerely declare as follows:

1. I am the managing director of RF Industries Pty Ltd and co-inventor of an invention entitled "BROAD BAND ANTENNA".
2. I have first hand knowledge of the facts described below.
3. The joint development efforts by Robert Daly, Daniel Wang and I resulted in the invention "Broad Band Antenna".
4. At the time of the invention all three named inventors were employees of RF Industries Pty Ltd.
5. On 17 October 2002, the invention was filed with the Australian Patent Office as the subject of Australian Provisional Patent Application No 2002952142. As permitted under Australian Law, the Provisional Patent Application was filed in the name of RF Industries Pty Ltd.
6. Our Australian Patent Attorneys, Watermark, advised in a letter dated 25 October 2002 that a corresponding US Patent Application would need to be filed by 17 October 2003 in order to retain the priority date of the Provisional Patent Application. Attached hereto and marked 'Annexure SJ-1' is a copy of the letter from Watermark.
7. On 31 March 2003, Daniel Wang left the employment of RF Industries Pty Ltd.
8. On 26 August 2003, I attended a meeting with Watermark. During the meeting there was discussed the requirements for filing the US patent application.



any information associated with the US filing would require signature and execution by all of the inventors. When informed of Daniel Wang's departure from RF Industries Pty Ltd, Watermark advised that Daniel Wang should be attempted to be contacted at his last known address in order to obtain his signature.

9. On 29 August 2003, Myra Maloney, an employee of RF Industries Pty Ltd, attempted to telephone Daniel Wang on his last known contact number. This telephone number was found to be disconnected.
10. On 29 August 2003, I wrote a letter to Daniel Wang's last known address asking him to contact me in respect of the US Patent Application. Attached hereto and marked 'Annexure SJ-2' is a copy of said letter.
11. On 10 September 2003, I wrote a further letter to Daniel Wang's last known address asking him to urgently contact me in respect of the US Patent Application. Attached hereto and marked 'Annexure SJ-3' is a copy of said letter.
12. To date, no response has been received from Daniel Wang in respect of my letters.

AND I MAKE this solemn declaration that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable under §1001 of Title 18 of the United States code, and that such wilful false statements may jeopardize the validity of the above referenced US Patent Application or any patent issuing thereon.

  
STEVE JACQUES

Declared at : *Baulkham Hills Australia*

Dated : *10th October 2003*

Before me :


  
Notary Public

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF a US Patent  
Application in the names of Steve  
Jaques et al, for "BROAD BAND  
ANTENNA"

EXHIBIT "SJ-1"

This is the Exhibit marked "SJ-1" which is referred to in clause 6 of the Declaration by  
Steve Jaques.




Steve Jaques

Dated

: 10th October 2003

Before me :



---

Notary Public

**Please reply to Sydney office**

Key Contact: Peter Franke  
Assisted By: Anthony Lee

October 25, 2002

Our Ref: P21714AUP1

Mr Steve Jaques  
RF Industries Pty Ltd  
Unit B  
3 Lenton Place  
North Rocks NSW 2151

Dear Steve

**Re: Provisional Patent Application in Australia in the name of  
RF Industries Pty Ltd**

We confirm filing of an Australian Provisional Patent Application in respect of an invention as disclosed in the Provisional Specification annexed. The Provisional Application was filed on October 17, 2002.

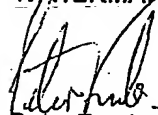
If it is your intention to pursue the granting of patent rights in relation to this development, it is a requirement that a Complete Specification be prepared and filed prior to October 17, 2003. This would also be the deadline for filing potential foreign patent applications should any overseas patent rights be required.

We are enclosing herewith:-

- a copy of the specification as filed;
- a leaflet outlining procedures and possible future costs;

Our invoice for our services to date is enclosed.

Yours faithfully  
**WATERMARK**

  
Peter Franke

encl

**Patent and  
Trade Mark Attorney  
in Australia  
and New Zealand  
Established 1859**

**Principals**

Richard Baddeley BE (Chem)  
Michael Chin Quan BE (Mech)  
Paul Fong B Eng (Comp Sys)  
Peter Franke BSc LLB  
Carolyn Harris BSc (Hons)  
Christian Schieber Dipl Ing  
(M Aero & Space Tech Eng) Europe  
Karen Sinclair BSc  
Ray Tettman BE (Elec) Grad Dip

**Senior Patent &  
Trade Mark Attorney**  
Stephen Plymin BE (Mech)

**Associate**

Allen Evans BE (Electronic) LLB &  
MBA (Tech Mgt) LLM  
Amanda Jones B App Sc Dip IP  
Neil Murray BE (Elec) Grad Dip Eng

Elizabeth Eadie BSc LLB (Hons)  
Matthew English BE Grad Dip Prc  
Kathryn Harrison B App Sc MSc L  
Kathy Leviton BSc (Analytical Scie)  
Jill Newton MSc BA LLB  
David Shanks BE (Mech) (Hons)  
Ph D (Aero Eng) Grad Dip IP Law  
Roger Sym BE (Materials)  
Michelle Wilson BSc Grad Dip Con  
Grad Dip IP Law Trade Mark Attorney

**Melbourne**

The Glasshouse  
290 Burwood Road  
Hawthorn Victoria 3122  
Australia

Postal address:

Locked Bag 5  
Hawthorn Victoria 3122  
Australia

Telephone +613 9819 1664  
Facsimile +613 9819 6010

**Sydney**

Building 1 Binary Centre  
Riverside Corporate Park  
3 Richardson Place  
North Ryde New South Wales  
Australia

Telephone +612 9888 6600  
Facsimile +612 9888 7600

**Perth**

Level 21 Allendale Square  
77 St Georges Terrace  
Perth Western Australia 6000  
Australia

Telephone +618 9325 1900  
Facsimile +618 9325 4463

**Email**

mail@watermark.com.au

**Internet**

www.watermark.com.au

Quality Management System  
ISO 9001 NATA Certified

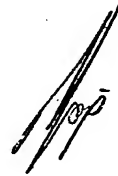
AUN 61 766 751 581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF a US Patent  
Application in the names of Steve  
Jaques et al, for "BROAD BAND  
ANTENNA"

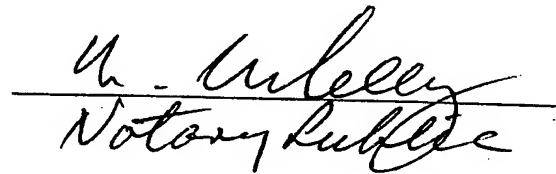
EXHIBIT "SJ-2"

This is the Exhibit marked "SJ-2" which is referred to in clause 10 of the Declaration by  
Steve Jaques.

 STEVE JAQUES

Dated : 10th October 2003

Before me :

  
Notary Public



**RF Industries Pty Ltd**  
ACN 001 895 512

PO BOX 4782, NORTH ROCKS, NSW 2151  
UNIT B, 3 LENTON PLACE, NORTH ROCKS,  
FAX: (02) 9630 0844 PHONE: (02) 9630 0651

29 August 2003

Daniel Wang  
PO Box 1386  
PARRAMATTA NSW 2124

Dear Daniel

RE: PATENT APPLICATION

Can you please call me regarding the signing of a Patent Application? If I am unavailable, can you please speak to Myra Maloney.

Thanking you

Yours faithfully  
**R F INDUSTRIES PTY LTD**

Steve Jaques  
Managing Director




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF a US Patent  
Application in the names of Steve  
Jaques et al, for "BROAD BAND  
ANTENNA"

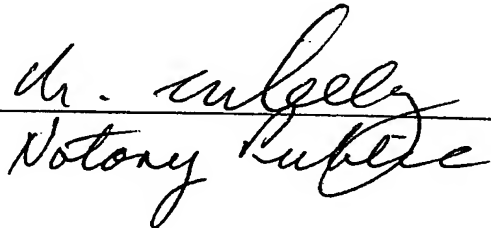
EXHIBIT "SJ-3"

This is the Exhibit marked "SJ-3" which is referred to in clause 11 of the Declaration by  
Steve Jaques.

 STEVE JACQUES

Dated : 10th October

Before me :

  
Notary Public



ACN 001 886 512

**RF INDUSTRIES PTY LTD**

UNIT B, 3 LENTON PLACE, NORTH ROCKS,  
FAX: (02) 9630 0844 PHONE: (02) 9630 085

10 September 2003

Daniel Wang  
PO Box 1386  
PARRAMATTA NSW 2124

Dear Daniel

RE: PATENT APPLICATION

Can you please call me urgently regarding the signing of a Patent Application?

If I am unavailable, can you please speak to Myra Maloney.

Thanking you

Yours faithfully  
**RF INDUSTRIES PTY LTD**

*Myra Maloney*

*yes*

Steve Jaques  
Managing Director